

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In Re:	)	
	)	
Phillip Briar Blanchard	)	MPN 155-1005
	)	
Respondent	)	

**MOTION FOR SUMMARY SUSPENSION**

Now comes the State of Vermont and, by and through undersigned counsel, moves, pursuant to 3 VSA §814 (c), for summary suspension of the license of Phillip Briar Blanchard, M.D. (hereinafter "Respondent"). Based on the facts set forth below, Respondent constitutes an immediate threat to the public health, safety, and welfare and such threat imperatively requires summary suspension of Respondent's license to practice medicine in the State of Vermont, pending further order of the Board of Medical Practice:

**JURISDICTION**

1. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter as Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0007385.

**FACTUAL ALLEGATIONS**

2. On October 18, 2005 Board Investigator Paula Nenninger received information regarding Respondent from Investigator Noelle Holloway of

the Medical Board of California. Affidavit of Investigator Paula Nenninger, ¶2. (hereinafter cited as "Aff, ¶. \_\_\_\_").

3. The information received by Investigator Nenninger was in reference to Respondent's interaction with Patient A at the San Ramon Medical Center on May 22, 2005. Respondent had examined Patient A in the emergency room on May 21, 2005 and admitted her to the Medical Center. Respondent had been accused by Patient A of masturbating on her in her hospital bed. Patient A's accusation was investigated by the Contra Costa County Sheriff's Department. Aff, ¶2, 10.
4. Investigator Holloway also informed Investigator Nenninger that she did know the whereabouts of Respondent. Aff, ¶2.
5. On October 3, 2005, the Board processed a license verification for the State of Florida for Respondent. Aff, ¶.3.
6. Respondent, in his most recent license renewal, listed his residence and home phone number as his work address and home phone number. Aff, ¶4.
7. On October 24, 2005 Investigator Nenninger spoke with Respondent by telephone. Respondent conceded that he had previously admitted to masturbating in Patient A's room. However, Respondent stated that this admission was incorrect and insisted that he was "assaulted" and that Patient A had propositioned him. Respondent also informed Investigator

Nenninger that he planned on returning to Vermont in the spring. Aff., ¶¶6, 7.

8. Investigator Nenninger again spoke with Respondent on October 31, 2005. Respondent repeatedly asserted that he was the victim and Patient A, the aggressor. Respondent asserted that Patient A had grabbed him and masturbated him. Respondent asserted that he was too scared to do anything and could not get away from Patient A. Respondent reported that he did ejaculate. Respondent stated that he intends to seek licensure in Florida.

#### MEMORANDUM OF LAW

As a state board authorized to determine contested cases, the Vermont Board of Medical Practice ("Board") is an "agency" within the meaning of 3 V.S.A. §801(b)(1). As such, the Board's procedures are controlled by Vermont's Administrative Procedures Act ("APA"), 3 V.S.A. §801, et seq. Under 3 V.S.A. §814 (c) of the APA, the Board may issue a summary suspension if the Board finds that the public health, safety, and welfare "imperatively requires" such summary suspension. In the above-captioned case, the allegations and supporting documents support a finding that the public health, safety, and welfare imperatively requires the summary suspension of Respondent's license.

Respondent's conduct in this case clearly places the public health, safety and welfare in imminent risk. There is no question that Respondent ejaculated in Patient A's room. Moreover, though he now denies it, Respondent originally

admitted to masturbating in Patient A's room on May 22, 2005. Respondent can return to Vermont and begin practicing at any time, subjecting Vermont residents to imminent risk. Further, Respondent has indicated his intent to seek licensure in Florida, placing Florida residents at imminent risk.

Respondent's actions only since the incident further demonstrate an imminent risk to the public health, safety, and welfare. Respondent attempted to avoid dealing with the incident of May 22, 2005 by leaving California and not notifying the Board of his change of address. Further, Respondent now seeks to retract his previous admissions and blame Patient A as the aggressor.

Respondent's back-peddling and accusation demonstrate profound denial and a disturbing callousness to a former patient. Finally, his assertion that at the time of the incident Patient A was not his patient is a clear attempt to eviscerate the egregious boundary violation committed by Respondent.<sup>1</sup>

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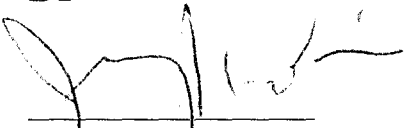
<sup>1</sup> Respondent's assertion that there was no patient/physician relationship at the time of the incident belies his accusation that Patient A was the aggressor. If Patient A was the aggressor, then whether there was a patient/physician relationship is immaterial. Respondent's disavowal of the patient/physician relationship is clearly an attempt to minimize the boundary violation to which Respondent previously admitted.

CONCLUSION

WHEREFORE The State moves the Board to summarily suspend the license of Respondent forthwith.

Dated at Burlington, Vermont this 12 day of November, 2005.

**WILLIAM SORRELL  
ATTORNEY GENERAL  
STATE OF VERMONT  
BY**

  
\_\_\_\_\_  
Joseph L. Winn  
Assistant Attorney General

**ORDER**

Based on the allegations above and the information provided to the VERMONT BOARD OF MEDICAL PRACTICE the Board finds that the public health, safety, welfare, imperatively requires emergency action and hereby grants the motion of the State to summarily suspend the license of Phillip Briar Blanchard:

Richard J. French, M.D.  
[Signature]  
[Signature]  
[Signature]  
Peter J. Blanchard, M.D.

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

DATED: 11/2/02

ENTERED & EFFECTIVE: 11/2/02

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Phillip Briar Blanchard, M.D.

Docket Nos. MPN 155-1005

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**AFFIDAVIT OF INV. PAULA NENNINGER**

**NOW COMES** Affiant, Paula Nenninger, Investigator, Vermont Board of Medical Practice, and being duly sworn and on oath, under penalties of perjury, does depose and state as follows:

1. I am an Investigator for the Vermont Board of Medical Practice. I am responsible as a Board Investigator for gathering information, evidence, and testimony regarding complaints and allegations against practitioners in the field of medicine who may have engaged in unprofessional conduct. I am certified as a full-time law enforcement officer by the Vermont Criminal Justice Training Council.
2. On October 18, 2005 the Vermont Board of Medical Practice was contacted by Noelle Holloway, Senior Investigator from the Medical Board of California. Investigator Holloway faxed information regarding Dr. Phillip Blanchard (Vermont Medical License number 042-0007385). The information was regarding an interaction between Dr. Blanchard and Patient A at the San Ramon Regional Medical Center on May 21, 2005. The information outlines an encounter in which it was reported that Dr. Blanchard masturbated and ejaculated onto Patient A, (an adult female) in a hospital bed setting in California. This was

reported to and investigated by the local Sheriff's Department. Investigator Holloway further advised that Dr. Blanchard had since left California and she did not know his present whereabouts.

3. On October 3, 2005 the Vermont Board of Medical Practice processed a license verification to the State of Florida for Dr. Blanchard.
4. On October 20, 2005 I attempted to locate Dr. Blanchard with the contact information reported in his 2004 Physician License Renewal Application. In his 2004 renewal application, Dr. Blanchard's home address and phone number in Chittenden, Vermont were also listed as his work address and phone number. When I called Dr. Blanchard's home, a woman who identified herself as Dr. Blanchard's wife answered the phone. I asked her if I could speak with Dr. Blanchard, and she advised me that he was not there. When I asked if he still lived at that address, she said "no." Dr. Blanchard's wife was not able to give me a forwarding address at that time, but said she would call me back with it.
5. On October 20, 2005 Dr. Blanchard's wife left a message on my voice mail with Dr. Blanchard's new address in Florida, and advised me that she does not know his current phone number. I researched the information and was able to find a phone number for Dr. Blanchard's address in Florida.
6. On October 24, 2005 at approximately 9:30 AM I spoke with Dr. Blanchard, and he advised me that all of the criminal charges had been dropped. I asked the



Doctor if he had admitted to masturbating in Patient A's room, Dr. Blanchard said he did, but that it was incorrect. Dr. Blanchard told me "I was assaulted, not her, I was propositioned". Dr. Blanchard did not deny masturbating in Patient A's room; he just stated that the criminal charges were dropped. When I asked Dr. Blanchard to provide the written documentation from the California court he advised me to contact his attorney in California. Dr. Blanchard also advised me that he is not practicing medicine in Florida and is only visiting for the winter.

7. Dr. Blanchard also stated he plans on returning to his address in Chittenden Vermont in the spring.
8. On October 25, 2005 I spoke with the Contra Costa County District Attorneys Office and that office verified that the criminal charges against Dr. Blanchard were returned to the Contra Costa County Sheriff's Department, due to lack of evidence.
9. On October 27, 2005 I spoke with the person whom Dr. Blanchard identified as his attorney. The attorney advised me that she no longer represents Dr. Blanchard and does not plan on representing him about any matter occurring in Vermont.
10. On October 31, 2005 I again spoke with Dr. Blanchard. Dr. Blanchard told me a different story and set of events than he reported to the Investigating Officer in California. Dr. Blanchard stated to me that he was assaulted, "I was the victim, she (Patient A) was the aggressor". He said Patient A "grabbed me and

masturbated me.” Dr. Blanchard advised that he was scared and couldn’t get away from Patient A but further admitted that he ejaculated. Dr. Blanchard also stated that he never used any lotion in Patient A’s room. Dr. Blanchard’s newest statement blames Patient A for the incident at the hospital. Dr. Blanchard denied that Patient A was his patient, but admitted to treating her and examining her in the emergency room when she was admitted earlier that day.

11. He advised that when he spoke to the police upon their initial inquiry that his admissions were made when he was in a state of shock. Dr. Blanchard was adamant in this second interview that he was a victim in this case and would in fact be suing the hospital over this incident. Dr. Blanchard also confirmed that he is pursuing a Medical License in Florida.

Dated at Burlington this 31 day of October, 2005.

Paula Nenninger  
INV. PAULA NENNINGER  
Affiant

At Burlington, this 31 day of October, 2005, personally appeared before me Paula Nenninger  
And made oath to (affirmed under penalty of perjury) the truth of the foregoing.

Before me,

Paula Nenninger  
Notary Public